

# **EXHIBIT H**

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

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Jelly O. M.  
DEP. CLERK SUPERIOR CT  
CHATHAM CO., GA

WILLIAM DEGENHART, M D )  
 )  
Plaintiffs, )  
 )  
v )  
 )  
ARTHUR STATE BANK, )  
THE DEGENHART LAW FIRM, and )  
PAUL AND MARY NELL DEGENHART )  
 )  
Defendants )

Civil Action No C10-1960-FK

**PLAINTIFFS' FIRST INTERROGATORIES TO DEFENDANTS**

COMES NOW Plaintiff in the above-styled case, and requires the Defendants to answer under oath and in writing the following interrogatories, pursuant to O C G A § 9-11-33 within forty-five (45) days from the date of service hereof

**NOTE A** When used in these interrogatories, the phrases "Defendant(s)", "individual in question", "you", or any synonym thereof are intended to and shall embrace and include, in addition to Defendants, individually, Defendants' attorneys, agents, servants, employees, representatives, private investigators, insurance adjusters and all others who are in possession of, in control of, or may have obtained information for or on behalf of Defendants

**NOTE B** Throughout these interrogatories, wherever Defendants are requested to identify a communication of any type and such communication was oral, the following information should be furnished with regard to each such communication

- (a) By whom it was made, and to whom,
- (b) The date upon which it was made,
- (c) Who else was present when it was made

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(d) Whether it was recorded or described in any writing of any type and, if so, identification of each such writing in the manner indicated in Note C below

**NOTE C** Throughout these interrogatories, wherever Defendants are requested to identify a communication, letter, document, memorandum, report, or record of any type and such communication was written, the following information should be furnished

- (a) A specific description of its nature (e.g., whether it is a letter, a memorandum, etc.),
- (b) By whom it was made and to whom it was addressed,
- (c) The date upon which it was made, and
- (d) The name and address of the present custodian of the writing or, if not known, the name and address of the present custodian of a copy thereof

**NOTE D** Throughout these interrogatories, wherever Defendants are requested to identify a person, the following information should be furnished

- (a) The person's full name,
- (b) His or her present home and business address and telephone number at each address,
- (c) His or her occupation, and
- (d) His or her place of employment

**NOTE E** These interrogatories shall be deemed continuing to the extent required by law. You are required to (1) seasonably supplement any response directed to the identity and location of persons having knowledge of discoverable matters as well as the identity of each person expected to be called as an expert witness at trial, the subject matter on which he is expected to testify and the substance of his testimony, (2) amend any prior response if you subsequently learn that the original response was incorrect or if you learned that although correctly made, the original response is no longer true and the circumstances are such that a failure to amend the response is, in substance, a

knowing concealment, and (3) provide such other supplementary responses required by law

1 State the full name and last known address, giving the street, street number, city and state of every person known to you or to your attorneys who has any knowledge regarding the facts and circumstances surrounding the claims within the Plaintiff's Complaint or the facts and defenses in support of your answer. For each witness, please provide a brief synopsis of that witnesses knowledge as you understand it

2 State whether you, your attorney, your insurance carrier or anyone acting on your or their behalf obtained statements in any form from any persons regarding any of the events or happenings that occurred at the incident referred to in the complaint, immediately before, at the time of, or immediately after said incident. If so, state the name and address of the person from whom any such statements were taken, the dates on which such statements were taken, the names and addresses of the persons and employers of such persons who took such statements, the names and addresses of the persons having custody of such statements, and whether such statements were written, by recording device, by court reporter or stenographer

3 Do you contend there are any admissions made by the Plaintiff in this case? If the answer is in the affirmative, and any purported admission was oral, please state the date the admission was made, and the witnesses to said admissions. If the admission was made in writing, please state the title of the document, the name of the author of the document, a summary of the contents of the document, the date of the document, and the name, address and telephone number of the custodian of the document

4 Please state the following in regard to every document which you contend is relevant in this case to Plaintiff's Complaint or any defense raised by a party

a The date, title, and a summary of the contents of said document,

b The name and address of the author of the document, and

c The name and address of the custodian of the document

5 Describe in detail all laws, acts having the force and effect of law, codes, regulations and legal principles, standards, customs and usages which you contend are applicable to this action

6 If you contend that some other person or legal entity is, in whole or in part, liable to the Plaintiff in this matter, state its full name, address and telephone number and describe in detail the basis of such liability

7 Do you contend that Plaintiff contributed in any way to the happening of the events referred to in the Complaint? If so, please state with specificity each and every factor on which you base this allegation

8 State the names and addresses of any and all experts with whom you have consulted, and the technical field in which you claim they are an expert

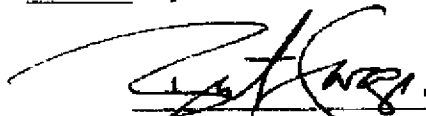
9 With regard to any witness which you expect to call as an expert witness at trial, please state the experts' name and business address, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, whether such expert has furnished you or your attorneys with a written report and if so, the date of such report and the person having possession and control of the report, and the date on which the expert was first retained

10 If you have been involved in any other legal action, criminal or civil, in the last five years, similar to the events complained of, i.e., an obligor on a promissory note claimed he did not sign the loan documents, please state the date and place each such action was filed, giving the name of the court, the name of the other party or parties involved, the number of such actions and the names of the attorneys representing each party, a description of the nature of each such action, and the result of each such action, whether there was an appeal and the

result of the appeal and whether such case was reported and the name, volume number and page citation of such report

- 11 Do you contend that these Defendants have been misnamed or improperly named? If so, please state that proper name of any such Defendant
- 12 Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the matter alleged in the Complaint, the number or numbers of such policies, the amount of liability coverage provided in each policy, and the named insured in the same
- 13 Please set out with specificity the factual basis for each of the defenses raised in your answer
- 14 As to Defendant Arthur State Bank only please list the name, address, and telephone number of each and every employee who has left your employment from 2007 to the present who was involved in loan origination, loan closings, and on this transaction
- 15 Please list by title, and date, a general description of all closing documents related to the transactions shown on Exhibit "A"
- 16 Please state the following in regard to all communications between Plaintiff and Defendant relating to the allegations set forth in Plaintiffs' complaint
  - a the date of the communication,
  - b the substance of the communication, and
  - c the parties to the communication

Respectfully Submitted, this 27<sup>th</sup> day of December, 2010

A handwritten signature in black ink, appearing to read "Brent J. Savage", is written over a horizontal line.

Brent J. Savage  
Georgia Bar No 627450

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